



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

COPY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JAN 23 2017

Ms. Pamela V. Offer
Tender Years Child Care and Development Center
6006 Drum Point Road
Deale, MD 20751

RE: Notice of Violation, Docket No. SDWA-03-2017-006-VS
Tender Years Child Care and Development Center, Deale, Anne Arundel Co, Maryland
PWS ID No. MD1020121

Dear Ms. Offer:

The following Notice of Violation is issued pursuant to Sections 1414(1) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and is a coordinated effort with Maryland Department of the Environment (MDE). According to our records and information received from MDE, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations (NPDWR) found at 40 Code of Federal Regulations (CFR) Part 141.

NOTICE OF VIOLATION

FINDINGS

Based on information we possess:

1. Pamela V. Offer (Respondent) is the owner/operator of the Tender Years Child Care and Development Center public water system (PWS), PWS Identification Number MD1020121 (System). Respondent is a "person" as defined by Section 1401 (12) of the SDWA and 40 C.F.R. § 141.2.
2. The System serves a population of at least twenty-five (25) persons daily with piped water for human consumption for a minimum of sixty (60) days per year, and/or has at least fifteen (15) service connections. Tender Years Child Care and Development Center is a non-transient, non-community water system that serves approximately 72 persons.



3. For the six-month compliance monitoring period ending December 31, 2013, the System exceeded the action level for lead, pursuant to the Lead and Copper Rule, 40 CFR § 141.80 *et seq.*
4. Respondent failed to provide notice (Lead Consumer Notification) of lead tap water monitoring results to individuals served by taps used for Lead and Copper Rule tap monitoring within thirty (30) days of receiving the tap monitoring results, and failed to provide a copy of the consumer notification and certification of distribution to the State within three (3) months, or by March 31, 2014, as required by 40 CFR § 141.85(d) (1-4) and § 141.90(f)(3).
5. Respondent failed to deliver public education (PE) as printed materials within sixty (60) days of exceeding the lead action level, or by March 2, 2014 and every year since that date, as required by 40 C.F.R. § 141.85(a)(1).
6. Respondent failed to deliver written documentation to MDE that the System had complied with public education material content and delivery requirements within ten (10) days of the compliance period ending March 2, 2014, as required by 40 C.F.R. § 141.90(f)(i-ii).
7. Respondent failed to submit an Optimum Corrosion Control Treatment (OCCT) recommendation to MDE within six (6) months, or by June 30, 2014, in accordance with 40 CFR § 141.82(a), § 141.82(e)(1), and § 141.90(c)(2).
8. Respondent failed to perform quarterly monitoring for coliform bacteria the periods of April-June 2016, July-September 2016, and October-December 2016; as required by the Revised Total Coliform Rule, 40 CFR § 141.854(c).
9. Respondent failed to perform annual monitoring for nitrates in the drinking water during the period of January-December 2016, as required by 40 CFR § 141.23.

Respondent is required to correct each of the above violations. The Environmental Protection Agency ("EPA") is available to provide advice and technical assistance to help address the above FINDINGS. Please contact Mr. Kevin Rowsey at 215-814-5463 if you want to request such advice or assistance.

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g -3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$37,500 per day of violation.

REQUEST FOR INFORMATION

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Pursuant to Section 1445(a) of the SDWA, Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if Respondent provides misleading or false information or fails to provide the requested information. Information which Respondent provides may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

The instructions for responding to the inquiries are as follows:

- a. A separate narrative response must be made for each question set forth below, and for any subpart of each question.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA the following information.

1. Name and street address of the owner or owners of the System. If this is a corporation, provide the names, titles, and addresses of officers. Do not provide a post office box.
2. Name and street address of the operator or operators of the System, and state certification number, if applicable. Do not provide a post office box. If this is a corporation, provide the names, titles, and addresses of officers.
3. The street address of the System, or, if no street address is possible, the physical location.
4. Number of persons served drinking water by the System per day on average.
5. Number of service connections to the System.
6. A copy of the most recently performed sanitary survey for the System.
7. A copy of the targeted lead and copper rule monitoring sample site selection plan.

8. Copies of all lead and copper analysis since June 2013.
9. Copies of all lead consumer notifications that were delivered to consumers since March 2014.
10. Copies of lead public education material distributed since March 2014.
11. Copies of all bacteriological monitoring results conducted since April 2016.
12. Copies of all nitrate monitoring results conducted since January 2016.
13. All proposals for Optimum Corrosion Control Treatment (OCCT) submitted to MDE since June 2014.
14. Copies of all correspondence with MDE regarding the violations described in Paragraphs 3-9 of the Findings.

Your response to this Notice of Violation and Request for Information shall be in writing. Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information. You should submit your response to:

Mr. Kevin Rowsey
United States Environmental Protection Agency
Ground Water and Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
rowsey.kevin@epa.gov

and

Ms. Nancy Reilman, Chief
SDWA Implementation Division
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230
Nancy.Reilman@maryland.gov

If you have any questions, please call Kevin Rowsey at 215-814-5463.

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defense under law, and will not affect EPA's decision to pursue enforcement action.

To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,

A handwritten signature in blue ink, appearing to read "James C. Bennett Jr.", with a stylized flourish at the end.

James C. Bennett Jr., Acting Chief
Ground Water and Enforcement Branch

Enclosures:

Small Business Regulatory Enforcement Fairness Act Fact Sheet (SBREFA)

cc: Windsor Park Place Partnership; Davidson, Maryland
Nancy Reilman, MDE SDWA Implementation Division Chief
Christine Nagle, MDE Deputy Program Manager
Saeid Kasraei, MDE Water Supply Program Administrator

